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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TRAN, LOUIS B

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 10/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/744,874

Applicant(s)

WAKELIN ET AL. *Ch*

Examiner

Louis B Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 is/are rejected.
- 7) ☒ Claim(s) 11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |                                                                                                              |                                                                             |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>Z</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

Page 6, line 8 of the specification states, "The handle 1 a second hand grip 60."

This is not a complete sentence. Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the button or switch claimed in claim 6 and the activator electrically connected to the trigger mechanism of the hand tool must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 11 and 13 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims 11 and 13 are depend upon themselves.

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***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 6, 8, 9, and 10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 6 states that the trigger activator is in the form of a button or switch.

Although stated in the summary of the invention that the trigger activator may be in the form of a button or switch, the specification does not describe how a button or switch would be utilized instead of a lever. There are no drawings to support an embodiment with a button or switch and one of ordinary skill in the art would not be able to assume how a button would replace the lever configuration as described in the specification.

Claims 8 and 9 cite the limitation that the trigger activator is electrically connected to the trigger mechanism. However, there is no such description within the specification or drawings to support the electrical connection being claimed. Merely, stating that this is a possibility in the summary of the invention is not enabling.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the trigger" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim. It is unclear if the trigger is the trigger activator or the trigger mechanism of the tool.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 5, 7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fox (5,598,892).

With respect to claim 1, Fox anticipates a handle 60 for attaching to a trigger 62 operated hand tool wherein the handle includes a shaft 22 adapted so as to be attachable at one end thereof to the hand tool 12, a hand grip 60 located at the other end of the shaft, a trigger activator positioned near the hand grip capable of being operatively connected to the trigger associated with the hand tool, and the hand grip is angled with respect to the longitudinal axis of the shaft to allow the handle to be easily gripped by a person's hand as seen in Figure 1 of Fox.

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With respect to claim 2, Fox anticipates wherein the trigger operated hand tool is motorized as described in column 1, lines 4-7.

With respect to claim 3, Fox anticipates wherein the trigger operated hand tool is a nail gun as described in column 1, lines 4-7.

With respect to claim 5, Fox anticipates wherein the shaft includes a clamp 40 at one end thereof capable of holding a nail gun.

With respect to claim 7, Fox anticipates wherein the trigger activator is in the form of a lever 62 as seen in Figure 1.

With respect to claim 12, Fox anticipates wherein the handle includes a second hand grip 52 positioned on the shaft at a point intermediate the two ends of the shaft.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox (5,598,892).

With respect to claim 4, Fox discloses the claimed invention except for a shaft is substantially a length of 50 cm to 70 cm. It would have been obvious to one having ordinary skill in the art at the time the invention was made to find the optimum range for a shaft, since it has been held that where the general conditions of a claim are disclosed

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in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fox in view of Swiderski, Jr. et al. (4,147,220).

Fox discloses the invention substantially as claimed including a connected to the lever such that pivoting of the lever causes the relative length of the cable to increase or decrease for the purpose of controlling activation of the trigger associated with the nail gunbut does not specifically show a cable to control activation of the trigger associated with the nail gun.

However, Swiderski, Jr. et al. teaches the use of a cable 16 to control activation of the trigger associated with the nail gun for the purpose transmitting force in substantially the same way as does the human finger as in column 1, line 31.

Therefore, it would have been obvious to one having ordinary skill in the art to provide a cable in order to actuate a power tool at a removed distance for transmitting a force.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are Spear, Pettit, Salcido et al., Fox (5,361,851), Moorhead, Sr., Causey et al., Bullock, Elford, Van Troba, Geibel, and Steele.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

lbt  
October 22, 2002



**EUGENE KIM  
PRIMARY EXAMINER**